

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

**Civil Action No. 3:16-md-
2738-FLW-LHG**

MDL No. 2738

***THIS DOCUMENT RELATES TO ALL
CASES***

**PLAINTIFFS' MOTION TO SEAL CERTAIN ACCOMPANYING
EXHIBITS TO PLAINTIFFS' STEERING COMMITTEE'S MEMORANDA
IN SUPPORT OF CERTAIN MOTIONS TO EXCLUDE DEFENDANTS'
EXPERT WITNESSES**

Pursuant to Rule 5(d) of the Federal Rules of Civil Procedure and Local Civil Rules 5.3(c) and 7.1, Plaintiffs, by and through Plaintiffs' Steering Committee, hereby move to file under seal certain exhibits referenced in Plaintiffs' Steering Committee's Memoranda in Support of its motions to exclude Defendant's expert witnesses Brooke T. Mossman, M.S., Ph.D., Kelly S. Tuttle, Ph.D., and H. Nadia Moore, Ph.D. (CM/ECF 9739-1); Ann G. Wylie, Ph.D. and Melinda Darby Dyar, Ph.D. (CM/ECF 9741-1); and, Mary Poulton, Ph.D. and Laura Webb, Ph.D. (CM/ECF 9745-1).

The documents at issue are listed in and attached hereto as **Appendix 1**. These documents have either been previously produced by Defendants in this litigation and designated as "Protected Document – Subject to Protective Order" or reference

otherwise sensitive material not appropriate at this time for public access. This Court has granted previous motions in this litigation regarding similarly confidential and sensitive documents, (CM/ECF 394, 8579, 8703), and strictly enforces protection of confidential documents. (CM/ECF 118).

Specifically, the documents listed in Appendix 1 meet the requirements for sealing under Local Rule 5.3(c) because:

- a. the documents contain sensitive non-public information produced during discovery;
- b. this court has previously recognized a legitimate interest in keeping confidential documents and information obtained during discovery, (CM/ECF 118);
- c. Plaintiffs believe Defendants would raise clearly defined claims of serious injury that could or would likely occur if this motion is not granted for any individual document listed;
- d. the documents cannot be reasonably redacted or otherwise subjected to a less restrictive alternative method of protecting their contents;
- e. upon due diligence, Plaintiffs are not aware that the documents listed have been previously sealed in this pending action;
- f. Plaintiffs are not aware of any party or nonparty objecting to this sealing request.

Therefore, Plaintiffs move the Court for leave to submit the exhibits to the foregoing motion under seal in order to protect the documents.

A proposed form of Order has been simultaneously submitted.

Dated: May 21, 2019

Respectfully Submitted,

/s/ Michelle A. Parfitt

Michelle A. Parfitt
ASHCRAFT & GEREL, LLP
1825 K Street, NW, Suite 700
Washington, DC 20006
Tel: 202-783-6400
Fax: 202-416-6392
mparfitt@ashcraftlaw.com

/s/ P. Leigh O'Dell

P. Leigh O'Dell
BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
218 Commerce Street
Montgomery, AL 36104
Tel: 334-269-2343
Fax: 334-954-7555
Leigh.odell@beasleyallen.com

Plaintiffs' Co-Lead Counsel

/s/ Christopher M. Placitella

Christopher M. Placitella
COHEN, PLACITELLA & ROTH, P.C.
127 Maple Avenue
Red Bank, NJ 07701
Tel: 732-747-9003
Fax: 732-747-9004
cplacitella@cpirlaw.com

Plaintiffs' Liaison Counsel

CERTIFICATE OF SERVICE

I, Michelle A. Parfitt, hereby certify that I caused a copy of the foregoing Plaintiffs' Motion to File Under Seal to be filed electronically via the court's electronic filing system the 21st day of May 2019. Those attorneys who are registered with the court's electronic filing system may access these filings through the court's system, and notice of these filings will be sent to these parties by operation of the court's electronic filing system.

/s/ Michelle A. Parfitt
Michelle A. Parfitt

Appendix 1**Referenced Exhibits to Seal from Doc 9739-1:**

CM/ECF	Doc Exhibit	Description
9739-6	Exhibit D	Feb. 25, 2019 Expert Report of Dr. Kelly Scribner Tuttle.
9739-7	Exhibit E	Defendants' Newly-Produced Reliance List for Dr. Moore
9739-8	Exhibit F	Feb. 26, 2019 Expert Report of H. Nadia Moore, Ph.D., DABT, ERT
9739-12	Exhibit S	Demonstrative Exhibit
9739-13	Exhibit T	Nov. 16, 2018 Expert Report of Laura M. Plunkett, Ph.D., DABT

Referenced Exhibits to Seal from Doc 9741-1:

CM/ECF	Doc Exhibit	Description
9741-8	Exhibit M	IMERYYS 436972
9741-9	Exhibit N	IMERYYS 425354

Referenced Exhibits to Seal from Doc 9745-1:

CM/ECF	Doc Exhibit	Description
9745-6	Exhibit B	Jan. 22, 2019 Amended Expert Report of Robert B. Cook, PhD
9745-7	Exhibit C	Nov. 16, 2018 Expert Report of Mark Krekeler, PhD
9745-8	Exhibit D	Feb. 25, 2019 Expert Report of Mary Poulton, Ph.D.
9745-10	Exhibit H	JNJAZ55_000006103-105, Exhibit 14 from Mar. 17, 2019 Deposition of Mary Poulton, Ph.D. ("Poulton Depo.")
9745-12	Exhibit J	IMERYYS 441340-417, Exhibit 28 from Poulton Depo.
9745-13	Exhibit K	J&J-0044868, Exhibit 22 from Poulton Depo.
9745-14	Exhibit L	IMERYYS 238596-600, Exhibit 23 from Poulton Depo.
9745-16	Exhibit N	IMERYYS 081025
9745-18	Exhibit R	IMERYYS238270-77